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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,161	09/15/2003	Arnold Stamler	50325-0819	2828

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HICKMAN PALERMO TRUONG & BECKER, LLP  
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EXAMINER
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GOODCHILD, WILLIAM J

ART UNIT	PAPER NUMBER
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2445

MAIL DATE	DELIVERY MODE
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10/15/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/663,161	<b>Applicant(s)</b> STAMLER ET AL.	
	<b>Examiner</b> WILLIAM J. GOODCHILD	<b>Art Unit</b> 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-23,26-32 and 35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-23,26-32 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/08/2009</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/01/2009 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-7 and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mittal et al., (US Patent No. 7,076,645), (hereinafter Mittal), and further in view of Bruckert et al., (US Publication No. 2002/0049859), (hereinafter Bruckert) and Talluri et al., (US Patent No. 6,748,429), (hereinafter Talluri).

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Regarding claims 1 and 26, Mittal discloses receiving, at a single console control point for a network device cluster [Mittal, column 2, line 34, management computer], user input [Mittal, column 2, lines 41-42, an administrator] specifying an operation to perform on the cluster as a whole [Mittal, column 2, line 39, reboot cluster]; and automatically performing the specified operation on a plurality of active members in the cluster [Mittal, column 2, lines 41-43, the administrator gives the command and does not have to do anything further] by transforming the specified operation into one or more device-specific operations for each of the plurality of active members [Mittal, column 2, lines 43-46, from the cluster request to reboot the cluster, each member is given a specific command (transforming the cluster command to device-specific operations) to reboot independently from other members of the cluster members (so as not to have all members rebooting at the same time)]; wherein the user input specifies a configuration command for the cluster [Mittal, column 2, lines 39-46, reboot the cluster members]; automatically communicating the configuration command to each of the active members in the plurality of active members [Mittal, column 2, lines 39-46, administrator gives the command to reboot cluster and need not do anything further while the members are rebooted (without rebooting all members at the same time)].

Mittal does not specifically disclose concurrently on a plurality of active routers in the cluster as a whole;

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wherein the cluster comprises a first switch device, the plurality of active routers, one or more standby routers, and a second switch device.

However, Bruckert discloses a clustered system [Bruckert, figures 1a-1b, paragraph 27, line 1] including switches and routers [Bruckert, figures 1a-1b, items 106 and 114, paragraph 27, lines 8-11 and paragraphs 106 and 112, showing multiple routers and multiple switches as part of a cluster (figures 1a-1b, items 106 and 114), which is part of a larger cluster (figures 1a-1b, items 10a and 10b), being managed].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a cluster of routers and switches in order to ensure that the fabric connecting end nodes would be as failsafe as a cluster of end nodes.

Further, Talluri discloses modifying the configuration file of all the nodes in a cluster [Talluri, column 6, lines 47-49, all nodes within the cluster are concurrently modified, as such, all active nodes are updated and column 4, lines 1-14].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include concurrently modifying the nodes within a cluster in order to make updates to all the nodes effective at the same (or close to the same time) so that none of the nodes or transactions are out of sync.

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Regarding claim 27, Mittal-Bruckert-Talluri further discloses the receiving step comprises receiving user input specifying a configuration command for the cluster [Mittal, column 2, lines 39-40]; and wherein the performing step comprises automatically communicating the configuration command [Mittal, column 2, lines 39-46] to each of the active routers in the plurality of active routers [Bruckert, paragraph 27].

Regarding claims 3 and 28, Mittal-Bruckert-Talluri further discloses subscribing a management process to an event bus [Mittal, figure 1 and column 2, line 65 – column 3, line 11]; subscribing each of the active routers [Bruckert, paragraph 27] to the event bus [Mittal, figure 1 and column 2, line 65 – column 3, line 11]; and publishing the configuration command in an event on the event bus [Mittal, figure 1 and column 2, line 65 – column 3, line 11].

Regarding claims 4 and 29, Mittal-Bruckert-Talluri further discloses receiving the event [Mittal, figure 1 and column 4, line 59 – column 6, line 9]; extracting the configuration command from the event [Mittal, figure 1 and column 4, line 59 – column 6, line 9]; and presenting the configuration command to a native console [Mittal, figure 1 and column 4, line 59 – column 6, line 9].

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Regarding claims 5 and 30, Mittal-Bruckert-Talluri further discloses the configuration command is a configuration load command [Mittal, column 4, lines 48-52].

Regarding claims 6 and 31, Mittal-Bruckert-Talluri further discloses the configuration command is a configuration execution command [Mittal, column 4, lines 59-60].

Regarding claims 7 and 32, Mittal-Bruckert-Talluri further discloses wherein the user input is received in a graphical user interface [Mittal, column 4, lines 16-25], and further comprising the step of displaying an execution log for the configuration command within the same graphical user interface in which the user input is received [Mittal, column 4, lines 41-43 and 52-55].

4. Claims 8-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Mittal-Bruckert-Talluri as applied to claim 1 above, and further in view of John et al., (US Publication No. 2004/0088412), (hereinafter John).

Regarding claim 8, Mittal-Bruckert-Talluri further discloses receiving, at a single console control point for a network device cluster, first user input [Mittal, column 2, lines 39-46]; wherein the cluster comprises a first switch device, a stack consisting of one or more active routers and one or more standby routers, and a second switch device [Bruckert, paragraphs 27, 106 and 112].

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Mittal-Bruckert-Talluri does not specifically disclose requesting an operational overview of the cluster; and

generating and displaying an operational overview of the cluster, wherein the operational overview comprises a status indication, connection information, failed device information, and a first access icon for accessing information about the stack.

However, John, in the same field of endeavor discloses a cluster management console presenting cluster information to the user including cluster status, configuration, errors, warnings and an iconic view of the associated clusters [John, paragraph 92 and figure 11].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a GUI console with an overview of the clusters and any status information associated with them in order to provide the administrator with easy access to monitor the status, configure the cluster system when needed and provide updates to the cluster on an as needed basis.

Regarding claim 9, Mittal-Bruckert-Talluri-John further discloses receiving second user input that selects the first access icon [John, figure 11];

generating and displaying a device operational overview for devices in the cluster, a device status indicator, device connection information unique for each router within the cluster, failed connection information, and a second access icon for accessing



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information about connections of the first and second switch devices and the stack [John, paragraphs 92, 95, 97 and 99 and figure 11].

Regarding claim 10, Mittal-Bruckert-Talluri-John further discloses receiving third user input that selects the second access icon [John, paragraphs 92, 95, 97 and 99 and figure 11];

generating and displaying a connection operational overview for connections of the cluster, wherein the connection operational overview comprises, for each connection of the stack, a connection status indicator and one or more values of attributes associated with the connection [John, paragraphs 92, 95, 97 and 99 and figure 11].

Regarding claim 11, Mittal-Bruckert-Talluri-John further discloses receiving first user input in a user interface (UI) at a single console control point for a network device cluster [Mittal, column 2, line 39, reboot cluster] that identifies a first switch device and a second switch device for the cluster [Bruckert, paragraph 27];

receiving second user input in the UI that identifies a plurality of network elements [John, paragraph 92] for a router stack of the cluster [Bruckert, paragraph 27];

receiving third user input in the UI [John, paragraph 92] that defines at least one first connection of the first switch device [Bruckert, paragraph 27] in association with at least one network element in the stack, and at least one second connection [John, paragraph 92] of the second switch device [Bruckert, paragraph 27] in association with the at least one network element in the stack [John paragraph 92]; and

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associating the first, second, and third user input in a cluster object [John paragraph 92] that programmatically represents the cluster [Mittal, column 2, lines 39-40].

Regarding claim 12, Mittal-Bruckert-Talluri-John further discloses receiving information specifying that a network element in the cluster has failed [John, paragraphs 92, 95, 97 and 99];

based on the cluster object, selecting a substitute network element from among one or more available network elements from the router stack [John, paragraph 92];

receiving connection configuration information from the identified network element [John, paragraphs 92, 95, 97 and 99]; and

based on the connection configuration information, re-configuring the substitute network element and the first and second switch devices associated with the identified network element, wherein the re-configuring causes the first and second switch devices to change one or more connections from the identified network element to the substitute network element [John, paragraphs 92, 95, 97 and 99].

Regarding claim 13, Mittal-Bruckert-Talluri-John further discloses creating one or more sets of commands to configure [John, paragraphs 92, 95, 97 and 99] the first and second switch devices [Bruckert, paragraph 27]; and

publishing a configuration load event that includes the commands and that targets only the first and second switch devices [Bruckert, paragraph 27] associated with the identified and substitute network elements [John, paragraphs 92, 95, 97 and 99].

Regarding claim 14, Mittal-Bruckert-Talluri-John further discloses in response to the configuration load event, each of the first and second switch devices connecting to a cluster manager and receiving a particular set of commands [John, paragraphs 92, 95, 97 and 99];

at each of the first and second switch devices, processing the particular set of commands, wherein processing includes causing the first and second switch devices to change the one or more connections from the identified network element to the substitute network element [John, paragraphs 92, 95, 97 and 99]; and

at each of the first and second switch devices, publishing a configuration complete event to acknowledge completing the processing of the particular set of commands [John, paragraphs 92, 95, 97 and 99].

Regarding claim 15, Mittal-Bruckert-Talluri-John further discloses the third user input includes information defining a set of commands used to reconfigure at least one switch device [John, paragraphs 92, 95, 97 and 99].

Regarding claim 16, Mittal-Bruckert-Talluri-John further discloses the first, second and third user inputs are stored persistently at a cluster manager [John, paragraphs 92, 95, 97 and 99]; and

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wherein each of the switch devices and the plurality of network elements persistently stores startup configuration information, but does not store the first, second and third user inputs [John, paragraphs 92, 95, 97 and 99].

Regarding claim 17, Mittal-Bruckert-Talluri-John further discloses the second user input comprises information identifying one or more network elements from the plurality of network elements as back-up network elements [John, paragraphs 92, 95, 97 and 99].

Regarding claim 18, Mittal-Bruckert-Talluri-John further discloses the second user input comprises information identifying one or more network elements from the plurality of network elements as stand-by network elements [John, paragraphs 92, 95, 97 and 99].

Regarding claim 19, Mittal-Bruckert-Talluri-John further discloses the step of receiving a fourth user input in the UI that modifies information received in the second and third user inputs [John, paragraphs 92, 95, 97 and 99].

Regarding claim 20, Mittal-Bruckert-Talluri-John further discloses the step of receiving a fourth user input in the UI that identifies the at least one network element as removed from the plurality of network elements [John, paragraphs 92, 95, 97 and 99].

Regarding claim 21, Mittal-Bruckert-Talluri-John further discloses the step of receiving a fourth user input in the UI that disassociates at least one switch device with at least one

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network element from the plurality of network elements [John, paragraphs 92, 95, 97 and 99].

Regarding claim 22, Mittal-Bruckert-Talluri-John further discloses the first, second, and third user inputs define a logical stack object, wherein the logical stack object is identified by a stack name and represents a logical grouping of at least two switch devices [Bruckert, paragraph 27] and at least one network element [John, paragraphs 92, 95, 97 and 99].

Regarding claim 23, Mittal-Bruckert-Talluri-John further discloses the step of receiving a fourth user input in the UI that requests sending a command to all switch devices and all network elements represented by the logical stack object [John, paragraphs 92, 95, 97 and 99].

5. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mittal-Bruckert-Talluri as applied to claim 1 above, and further in view of Hsu et al., (US Publication No. 2001/0021198), (hereinafter Hsu).

Regarding claim 35, Mittal-Bruckert-Talluri does not specifically disclose the first and second switch devices are associated with different networks.

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However, Hsu discloses multiple switches connected to different networks [Hsu, figure 4, items 420, 415, paragraph 16].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate multiple switches connected to different networks in order to provide for a backup switch in case of failure.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 3-23, 26-32 and 35 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Examiner's Note: Examiner has cited particular paragraphs / columns and line numbers in the reference(s) applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the cited passages as taught by the prior art or relied upon by the examiner.

Should applicant amend the claims of the claimed invention, it is respectfully requested that applicant clearly indicate the portion(s) of applicant's specification that support the

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amended claim language for ascertaining the metes and bounds of applicant's claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is (571)270-1589. The examiner can normally be reached on Monday - Friday / 8:00 AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445